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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,209	03/31/2004	Gerald Pellegrino	320-001	6011
34845	7590	10/20/2005	EXAMINER	
STEUBING AND MCGUINNESS & MANARAS LLP			NGUYEN, DAVID Q	
125 NAGOG PARK			ART UNIT	
ACTON, MA 01720			PAPER NUMBER	
			2681	
DATE MAILED: 10/20/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/814,209

Applicant(s)

PELLEGRINO ET AL.

Examiner

David Q. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-3,5,8,10-12,14,17,19-21 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Lalos (US 2005/0176403).

Regarding claims 1,10 and 19, Lalos discloses a security system, a security provider for responding to contact from a user of a wireless communication device and a method of providing security comprising: a portable wireless communications device (see fig. 4, mobile transceiver 20); a security provider for responding to contact from a user of the wireless communications device (see fig. 4, network center 12; par. 0037), the security provider capable of ascertaining the identity of the user and the location of the user of the wireless communications device in response to said contact (see pars. 0038-0039); the security provider operable to contact an emergency response center (emergency personnel 60) to provide aid to the user of the wireless communications device (see par. 0043 and par. 0045).

Regarding claims 2,11 and 20, Lalos also discloses wherein the security provider is capable of automatically ascertaining the location of the user of the wireless communications device in response to said contact (see pars. 0038-0039).

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Regarding claims 3,12 and 21, Lalos also discloses wherein the wireless communications device is GPS technology capable and wherein the security provider is capable of automatically ascertaining the location of the user of the wireless communications device in response to said contact via GPS technology (see pars. 0038-0039 and fig. 2).

Regarding claims 5,14, and 23, Lalos also discloses wherein the security provider is further capable of ascertaining the nature of the user's emergency in response to said contact (see pars. 0038-0039 and fig. 2); and wherein the security provider is operable to contact a specific emergency response center to provide aid to the user of the wireless communications device, the specific emergency response center selected in response to the nature of the user's emergency (see figs. 1-2, par. 0025, and pars. 0038-0039).

Regarding claims 8 and 17, Lalos also discloses wherein the wireless communications device is a cellular phone (see fig. 4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4,6,13,15,22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lalos (US 2005/0176403) in view of Sudit (US 2005/0202832 A1).

Regarding claims 4,6,13,15,22 and 24, Lalos does not mention wherein said contact from a user includes keystrokes associated with the user's location, and wherein the security provider

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is capable of ascertaining the location of the user of the wireless communications device in response to said contact via interpretation of said keystrokes. However, Sudit discloses wherein said contact from a user includes keystrokes associated with the user's location, and wherein the security provider is capable of ascertaining the location of the user of the wireless communications device in response to said contact via interpretation of said keystrokes (see pars. 0031-0032). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Sudit to Lalos so that it is comfortable for user to communicate with service provider.

3. Claims 7,16 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lalos (US 2005/0176403) in view of Parker et al. (US 2004/0132480).

Regarding claims 7,16 and 25, Lalos does not mention wherein the wireless communications device is capable of photography, and wherein contact from a user includes photographic data from the wireless communications device, and wherein the security provider is further capable of ascertaining information about the user's emergency situation in response to the contact. However, Parker et al. discloses wherein the wireless communications device is capable of photography, and wherein contact from a user includes photographic data from the wireless communications device, and wherein the security provider is further capable of ascertaining information about the user's emergency situation in response to the contact (see par. 0016). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Parker et al. to Lalos so that emergency center can monitor user and provide all information needed to user in case of emergency.

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4. Claims 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lalos (US 2005/0176403) in view of Chin et al. (US 2005/0014481).

Regarding claims 9 and 18, Lalos does not mention wherein the wireless communications device is a personal digital assistant. However, Chin et al. discloses wherein the wireless communications device is a personal digital assistant (see par. 0014). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Chin et al. to Lalos so that so that users can use their PDA to download requested locations or upload their locations to emergency center.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q. Nguyen whose telephone number is 571-272-7844. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH H. FEILD can be reached on (571)272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David Nguyen


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER